

REMARKS

Applicant requests continued examination of the above application in view of the decision of the BPAI and amendments to the claims. Applicant has amended independent claim 1, 5, and 9 to state that the adaptor consists of the elongate body and that the adaptor is adapted to directly connect the handpiece to the dental tip in a fluid tight manner. Support for these amendments can be found on page 10, lines 7-15. Accordingly, Applicant believes the amendments to the claims have distinguished the invention from the prior art, and allowance is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1-5 and 9 were rejected under 35 U.S.C. § 112 ¶1 as failing to comply with the written description requirement for stating that the elongated body has “unitary, one-piece construction.” Applicant has deleted the language from the claims, and removal of the rejection is requested.

Claims 1-5 and 9 were rejected under 35 U.S.C. § 112 ¶2 as being indefinite, as it was stated that it was unclear whether the handpiece and the tip are intended to be positively claimed. Applicant has amended claims 1, 5, and 9 to state that the proximal and distal ends are “adapted for” connection to the handpiece and dental tip, respectively, and that the adaptor is “adapted to” connect the handpiece to the dental tip. Accordingly, it is believed that the claims as currently amended particularly point out and distinctly claim the subject matter of the invention. Removal of the rejection is requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 3-5, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Feine. Applicant has amended claims 1, 5 and 9 to state that the adaptor “consists” of the elongated body, i.e. the elongated body is the only element of the adaptor. The claims have also been amended to state that the adaptor directly connects the dental tip to the handpiece. Claim 9 has been further amended to state that the distal end of the elongated comprises a LUER-LOK® style arrangement, with support for the amendment being found in the specification on page 11, lines 5-6.

Feine does not show such an adaptor that “consists” of only an elongated body. As pointed out by the BPAI and the Examiner, Feine describes a velocity transducer that comprises various sections, but the claims did not prevent the adaptor from comprising further elements. As the

claims are now recited, the adaptor consists of the elongated body and does prevent the adaptor from comprising further elements. Feine shows a multi-part transducer, with the main sections being shown as reference numeral #12, #14, and #16 (see Figure 6 for #16). Figure 8 demonstrates that 14 is a separate piece from 12, and, further, that the adaptor also includes an insert 10, that engages a handpiece. See Col. 4, lines 41-45. The adaptor of Feine necessarily includes all of these pieces, and does not read on the presently amended claims "consisting" of only the elongated body. Removal of the rejection is respectfully requested.

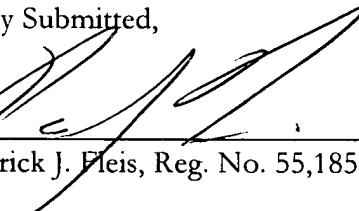
Claim Rejections – 35 U.S.C. § 103

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious in view of Feine and Sharp. Claim 2 has been cancelled.

Conclusion

Claims 1, 3-5, and 9 remain in the application. Independent claims 1, 5, and 9 have been amended to particularly recite that the adaptor consists of the elongated body and does not include further sections and attachments, as is shown in the prior art. No new matter has been added to the application. It is believed that the amendments to the claims address all of the Examiner's rejections, and entry of the amendments is respectfully requested. The claims are now believed to patentably distinguish the invention from the prior art, and allowance is respectfully requested.

Respectfully Submitted,
By _____
Patrick J. Fleis, Reg. No. 55,185



RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 – 1300
14 October 2009
Customer No.: 26308
PJF/ar

Inter-Med\18554 Irrigation Tip Adaptor for Ultra Sonic Handpiece\091014 RCE.doc

Enclosure: RCE Transmittal
 Return Postcard